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Letter dated 11 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 23 February 2005 (S/2005/111). The Counter-Terrorism Committee has received the attached fifth report from Mauritius submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 11 April 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Mauritius to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter dated 10 January 2005, I have the honour to transmit herewith the reply of the Government of the Republic of Mauritius (see enclosure).

(*Signed*) A. **Hurree**
Chargé d'affaires a.i.

Enclosure*

CTC report

Introduction

Since the last (Fourth) report by Mauritius submitted to the United Nations Security Council Counter-Terrorism Committee on the implementation of measures contained in UNSC 1373(2001), Mauritius has taken further measures to meet its international obligations for the combating of terrorism.

On 3 August 2004, Mauritius deposited its instruments of accession to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The Convention and the Protocol entered into force for Mauritius on 1 November 2004.

Mauritius ratified the International Convention for the Suppression of the Financing of Terrorism on 14 December 2004.

With the above measures, Mauritius has adhered to ten of the twelve UN Conventions and Protocols relating to terrorism. Mauritius is actively considering adhering to the two remaining ones namely the Convention on the Physical Protection of Nuclear Material and the Convention on the Marking of Plastic Explosives for the purpose of Detection.

On the bilateral level, in March 2005, Mauritius and India signed an Agreement on Cooperation to combat Terrorism.

Implementation Measures

Counter Terrorism Machinery

1.2 The CTC would be grateful for a progress report on the implementation in domestic law of the international conventions and protocols relating to terrorism to which Mauritius has become a party, as well as an update on the steps Mauritius is taking to become party to the remaining two international instruments that it has signed. In addition, the CTC would appreciate knowing what steps Mauritius intends to take to become a party to and implement into domestic law the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and the Convention on the Physical Protection of Nuclear Material, instruments that Mauritius has yet to sign.

* Annexes are on file with the Secretariat and are available for consultation.

As enumerated in the four previous reports to the CTC, the Government of Mauritius has taken a host of measures to implement in its domestic law the international Conventions and Protocols relating to terrorism to which Mauritius has become a party. In its fourth report to the UNSC Counter Terrorism Committee, Mauritius had informed the CTC that in its resolve to address terrorism in all its forms and manifestations in fulfilment of its commitment in implementing UNSC Resolution 1373 (2001), the Government of the Republic of Mauritius enacted the following pieces of legislation:

- The Prevention of Terrorism (Special Measures) (Amendment) Regulations which came into effect on 19 March 2003
- The Financial Intelligence and Anti-Money Laundering Regulations 2003 which came into effect on 21 June 2003
- The Anti-Money Laundering (Miscellaneous Provisions) Act, which was passed in August 2003 and
- The Convention for the Suppression of the Financing of Terrorism Act 2003 which came in operation on 22 November 2003.

In 2003, Mauritius enacted the Chemical Weapons Convention Act 2003 **(Copy at annex 1)**

In 2004, Mauritius enacted the Biological and Toxin Weapons Convention Act 2004. **(Copy at annex 2)**

International Convention for the Suppression of the Financing of Terrorism

On 14 December 2004, Mauritius ratified the International Convention for the Suppression of the Financing of Terrorism. The Government of Mauritius passed the Convention for the Suppression of the Financing of Terrorism Act 2003 to implement the International Convention for the Suppression of the Financing of Terrorism.

The Financial Intelligence Unit (FIU) which was set up under Section 9 of the FIAMLA 2002), is the central agency in Mauritius responsible for receiving, requesting, analysing and disseminating to investigatory and supervisory authorities disclosures of financial information concerning the financing of any activities or transactions related to terrorism or suspected proceeds of crime and alleged money laundering offences.

The definition of "Suspicious Transaction" in Section 2 of the FIAMLA 2002 includes reference to "funds linked or related to, or to be used for terrorism or acts of terrorism or by proscribed organisations whether or not the funds represent the proceeds of a crime". Furthermore, Regulation 9 of the Financial Intelligence and Anti Money Laundering Regulations 2003 imposes a legal obligation on banks, financial institutions and cash dealers to implement internal controls and other procedures to combat money laundering and financing of terrorism.

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Mauritius deposited its instrument of accession to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation in August 2004. Steps are being taken by Mauritius

for implementing the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation into the domestic laws by making provision to that effect in the Merchant Shipping Bill which is currently being finalised.

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

Mauritius deposited its instrument of accession to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf in August 2004. Provision for implementing the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf in the domestic laws will be made in due course. However, there are no fixed platforms operating in the Exclusive Economic Zone /Continental shelf of Mauritius.

Convention on the Physical Protection of Nuclear Material

With regard to the Convention on the Physical Protection of Nuclear Material, Mauritius is now in the process of setting up a Radiation Protection Authority under the Radiation Protection Act 2003, following which consideration will be given to adhering to that Convention.

Convention on the Marking of Plastic Explosives for the purpose of Detection

Mauritius is also in the process of amending its Explosives Act so as to cater for its obligations under the Convention on the Marking of Plastic Explosives for the purpose of Detection. Once this exercise is completed, Mauritius will be in a position to accede to the Convention.

International Convention for the Suppression of Terrorist Bombings

Furthermore, the implementing legislation for *inter alia* the International Convention for the Suppression of Terrorist Bombings will be contained in an Omnibus Act which will provide for the enabling legislation relating to Counter-Terrorism Conventions to which Mauritius is party or intends to be party.

Effectiveness of customs, immigration and border control

1.3 The effective implementation of subparagraph 2 (g) of the Resolution requires that borders be efficiently controlled in order to prevent the movement of terrorist or terrorist groups. With a view to achieving this efficiency, has Mauritius put in place a unified data system for use at all entry or exit points? If such is not the case, how many entry or exit points, whether by air, land or sea, are currently included in the existing data system. Does Mauritius's system register traveller data immediately upon entry or exit, or is this data entered later?

There is a unified data system in place at all entry and exit points in Mauritius. There are four entry and four exit points namely:

- one entry point and one exit point in Mauritius at the Port.
- one entry point and one exit point in Mauritius at the Airport.
- one entry point and one exit point in Rodrigues at Port Mathurin.
- one entry point and one exit point in Rodrigues at Plaine Corail.

Once a passenger has landed, the identity of the passenger- his/her name and passport details- is checked. If the name does not appear on the list of 'banned travellers', the passenger is allowed to land. The travellers' data are not immediately entered but this is done after 2-3 days. However, arrangements are being made to upgrade the system at the Passport and Immigration Office for such data to be entered immediately.

1.4 If "traveller data systems" are maintained at all border points, do these systems incorporate information of a watch list nature? If such is the case, is the information in question updated regularly, taking into account all the relevant sources?

The "traveller data systems" also contain a watch list which is regularly updated while taking into account the information received from various sources e.g. from Interpol, the United Nations Security Council, etc.

1.5 Regarding the effective control of the issuance of identity papers and travel documents referred to in subparagraph 2 (g) of the Resolution, does Mauritius issue national identity documents? If so, who is entitled to receive the document? Could Mauritius also provide the CTC with information as to the type of data stored and the agencies with which such information is shared?

National Identity cards are issued by the National Identity Card Unit which falls under the purview of the Civil Status Division (Prime Minister's Office). All persons aged 18 and over who are citizens of Mauritius have to apply for a National Identity Card. The particulars shown on the National Identity Card are:

- National Identity Number
- Photograph
- Surname
- Name
- Date of issue
- Blood Group
- Signature/thumbprint of applicant
- Signature of authorising officer.

The information contained in the National Identity Card is meant for identification purposes as well as for police and judicial use. Presently, the above data are shared with the Ministry of Social Security and National Solidarity.

1.6 Does Mauritius allow for the routine entry into, or exit out of its territory by its national or by nationals from other States on production of a national identity card (as opposed to a passport)?

No citizen of Mauritius or national from other states is allowed entry into or exit out of our territory on production of a National Identity Card. Every traveller must be in possession of a valid passport or a travel document.

1.7 Furthermore, the CTC would be grateful if Mauritius could specify the contact points it has established for international cooperation to combat terrorism and their respective area of responsibility.

As the CTC was informed in 2002 (Second Report Sub-Paragraph 2b), Mauritius does not have a body that specializes in counter-terrorism. There are a number of agencies involved in monitoring and reacting to Counter-Terrorism. Relevant Divisions falling under the responsibility of the Secretary for Home Affairs in the Prime Minister's Office define and coordinate action to combat terrorism.

Furthermore, the FIU of Mauritius is the central agency for receiving, requesting, analysing and disseminating information concerning, the financing of any activities or transactions related to terrorism or suspected proceeds of crime and alleged money laundering offences.

Under the provision of the Financial Intelligence and Anti Money Laundering Act (FIAMLA) 2002, the FIU may exchange information with members of any international group of overseas financial intelligence units or comparable bodies on the basis of reciprocity and mutual agreement. The FIU became a member of the Egmont Group in July 2003 and is therefore able to exchange information with other members of the group in accordance with the conditions established by the group, for such exchanges.

Furthermore, under the Mutual Assistance in Criminal and Related Matters Act 2003, the Attorney General is the central authority for receiving all requests for mutual assistance.

Control to prevent the supply of weapons to terrorists

1.8 The effective implementation of subparagraph 2(a) of the Resolution requires States *inter alia* to eliminate the supply of weapons to terrorists. The CTC would be grateful to receive an outline and a progress report on work on the amendment to the Firearms Act that is reported to be in progress (as per page 15 of the fourth report).

The Firearms Bill is awaiting introduction in the National Assembly. One of the objectives of the Bill is to repeal the Firearms Act of 1940. The new Firearms Bill takes on board various provisions (which were absent from the Firearms Act of 1940) contained in regional and international Conventions/Protocols to which Mauritius is party. For example, the Firearms Bill contains a new list

of prohibited firearms and it also makes provision for the prohibition of brokering activities. The Bill, amongst others, makes provision for an improved mechanism of control, deals with the issue of import and export licences and the safekeeping of firearms.

1.9 The effective implementation of sub-paragraph 2(a) of the Resolution requires each Member State, *inter alia,* to have in place an appropriate mechanism to deny terrorists access to weapons. With regards to this requirement of the Resolution, as well as the provisions of the Convention on the Marking of Plastic Explosives for the purpose of Detection, and the International Convention for the Suppression of Terrorist Bombings, please provide the CTC with information relevant to the following questions:

A. **Regulations and administrative procedures**

- What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked:
  - Plastic explosives;
  - Other explosives and their precursors.

There is an Explosives Act governing the manufacture and control of explosives in Mauritius. Under the Explosives Act, no person can manufacture explosives unless he holds a permit issued by the Commissioner of Police. Specific measures are provided by the Act with regard to the control of explosives, transport of explosives, storage of explosives and purchase of explosives. Hence, the Explosives Act makes provision to prevent the manufacture, stockpiling, transfer and possession of unmarked plastic explosives and other explosives and their precursors.

B. **Import control**

- In relation to detecting and intercepting the unlawful transfer of arms, ammunition, explosives or radioactive, biological, chemical or other poisonous substances, objects or materials that may be used for the purposes of committing a terrorist act, please specify the control procedures that are used in this regard and the mechanisms that exist for the exchange of information regarding the sources, routes and methods that may be used by arms-traders.

Whenever any arms, ammunition, explosives or other dangerous substances are imported or are transited in Mauritius, the following control procedures are adopted:

- The importer (company or individual) should hold the appropriate licence to trade in such substances, under the relevant law;
- The importer should apply for the appropriate *Import Licence* prior to placing the import order;
- The appropriate authorities should be informed in advance of the date the consignment will reach the port/airport;
- Customs and appropriate officers will then verify the consignment prior to delivery to the consignee.

Furthermore, Section 5 (2) of the Biological and Toxin Weapons Convention Act 2004 provides that a person who transfers any biological agent or toxin to another person where he knows or has reason to believe that the biological agent is likely to be kept or used otherwise than for prophylactic, protective or other peaceful purposes shall commit an offence and on conviction, shall be liable to penal servitude.

Under the Chemical Weapons Convention Act 2003, the Mauritius National Chemical Weapons Authority has the duty of supervising the domestic implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction. Sections 11, 12 and 13 of the Act set out the conditions under which import or transfer of chemicals can be carried out.

- Is it necessary to lodge and register, or check the Goods declaration and supporting documents relating to firearms prior to the import, transit or movement of the goods, as well as encourage importers, exporters or third parties to provide information to Customs prior to their shipment? Please, outline also any appropriate mechanisms used to verify the authenticity of licensing or authorization of documents for the import of firearms?

Importers need not lodge and register and it is also not necessary for Customs to check the Goods declaration and supporting documents relating to firearms prior to the import, transit or movement of the goods. Importers, exporters or third parties have no obligation to provide information to Customs prior to the shipment of such goods.

However, Section 5 of the current Firearms Act makes it mandatory for any person importing any firearm or ammunition into Mauritius, to be holder of a valid import licence. The import licence is issued by the Commissioner of Police on application made on a prescribed form prior to the importation of the firearm or ammunition. Upon importation of firearms, every such importer is required at the time of entering the goods declaration, to show proof that such imports have been authorised by the competent Mauritian authorities. Then a thorough verification of the consignment is

carried out by Customs and the goods are delivered to the Police. The police keep the consignment at the Police Armoury for inspection as per the import licence. The importer then takes delivery of the firearm/s upon production of the original Import Licence and a Firearm Licence is issued by the Commissioner of Police.

It should be noted that whenever such goods are in transit, the master or agent of the vessel should submit to Customs, at the time of reporting, all particulars of firearms kept on board or intended for discharge at another port.

- Has Mauritius implemented, using risk assessment principles, any special security measures on the import of firearms, such as conducting security checks on the temporary storage, warehousing and means of transport of firearms? Are persons involved in these operations required to undergo security vetting. If yes, please give details.

In the case of registered firearm dealers importing firearms, once the consignment is cleared by Customs, Police escorts the consignment to the vault of the firearms dealer. The dealer is required, under the current firearms regulations, to submit a monthly return to the Commissioner of Police of their firearms stock. Such measure also helps the Police to keep tract of the number of firearms in circulation. Individuals willing to purchase a firearm from a registered dealer are required to apply for a firearm license prior to the purchase of the firearm.

The Police conduct such security checks in case of suspicion or when irregularities are reported/noted. All persons involved in the temporary storage, warehousing and transport of firearms are either Police Officers or Customs Officers who have undergone security vetting.

C. Brokering

- Do existing laws require the disclosure of the names and locations of brokers involved in an arms transaction, on either the import or authorization, or on any accompanying documents?

Although the disclosure of the names and locations of brokers involved in an arms transaction is not required, no firearm or ammunition may be sold or transferred other than by a registered dealer in firearms under the current Firearms Act. The Office of the Commissioner of Police keeps a register of dealers.

Section 13(5) of the Firearms Act states that every person who sells, lets on hire, pledges, gives or lends a firearm or ammunition, to any other person in Mauritius, other than a registered dealer in firearms, shall, within 48 hours of the transaction, send a registered post notice of the transaction to the Superintendent of Police by whom the firearm licence was issued, stating his name and address

and the name and address of that other person, the type and calibre of the firearm, the maker's name, the identification number or other distinguishing mark, and the quality of ammunition, shall also, in the case of a sale or gift, return his licence, if any, in respect of the firearm and ammunition to the Superintendent of Police for cancellation.

Furthermore, under Section 8(1) of the Prevention of Terrorism Act 2002 subject to subsections (2) and (3), it is an offence for a person, who has information which he knows or believes might be of material assistance in preventing the commission of an act of terrorism by another person, to fail to disclose same to a police officer as soon as reasonably practicable.

Are there legal provisions in place to allow for the sharing of relevant information with foreign counterparts to enable cooperation in preventing illegal shipment of firearms, their parts and components and ammunition, as well as explosives and their precursors?

The Firearms Act does not provide for the sharing of information with foreign counterparts to enable cooperation in preventing illegal shipments of firearms. However, Mauritius cooperates with the Interpol and shares information with Interpol member states through the Interpol on such matters.

2. Assistance and guidance

2.1 The Committee wishes to develop a constructive dialogue with Mauritius in relation to measures it is taking to implement the Resolution, in particular to those identified by the CTC as a priority. If Mauritius feels that it could benefit from discussing aspects of the implementation of this Resolution with the Executive Director of the CTC, it is welcome to contact the Counter Terrorism Directorate as mentioned in paragraph 3.1 below. In addition, the CTC, through its Executive Directorate, may contact Mauritius's competent authorities to discuss any further matters related to the implementation of the Resolution.

2.2 The CTC notes with appreciation that Mauritius has offered assistance to share its expertise in drafting appropriate legislation and providing resource persons for international and regional workshops relating to the combating of terrorism.

2.3 Given the urgency of the need to implement fully the Resolution, the CTC considers the following to be priority areas in the implementation of the Resolution:

- Mauritius becoming a party to the Convention for the Suppression of the Financing of Terrorism and the Convention on the Marking of Plastic Explosives for the Purpose of Detection as well as signing the Convention for the Suppression of Unlawful acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and the Convention on the Physical Protection of Nuclear Material.

2.4 The CTC's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. The CTC again encourages Mauritius to let it know if there are further areas in which assistance or advice might be of benefit to Mauritius in its implementation of the Resolution.

In December 2004, the Government of Mauritius submitted to the CTC, a list containing its assistance needs in various sectors (Banking, Financial Services, Passport and Immigration, Police and Customs). The Government of Mauritius would appreciate any assistance from the CTC in these sectors.

2.5 The assistance to be provided by one State or another on any aspect of the implementation of the Resolution is a matter for agreement between them. The CTC would be grateful, however, to be kept informed of any such arrangements and on their outcome.

3. Submission of further report

3.1 The CTC and its Executive Director stand ready to provide further clarification to Mauritius on any of the matters raised in this letter. The Executive Director can be contacted through Ms. Roselaure Charles (telephone: +1 212 457 1853; fax +1 212 457 4041 and or e-mail: charles4@un.org).

3.2 The CTC would be grateful to receive further information on the questions and comments raised in this letter from Mauritius by 11 April 2005. As with previous reports, it is intention of the CTC to circulate the further report as a document of the Security Council. It is open to Mauritius, if desired, to submit a confidential annex to the report for the attention of the CTC members only.

3.3 The CTC may, in a future stage of its work, have further comments or questions for Mauritius arising from other aspects of the Resolution. It would be grateful to be kept informed of all relevant developments regarding the implementation of the Resolution by Mauritius.